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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,716	06/26/2003	Marian Rudolf	I-2-0361.IUS	5784
24374	7590	04/24/2007	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			LU, ZHIYU	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/24/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/606,716	RUDOLF ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zhiyu Lu	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 February 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 25-38 is/are pending in the application.  
 4a). Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 25-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/27/2007 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 03/07/2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Response to Arguments***

3. Applicant's arguments filed 02/27/2007 have been fully considered but they are not persuasive.

Regarding rejections on claims 25-37, Applicants have argued that Lieshout et al. do not teach an SRNC sending user measurements to the DRNC.

In Applicant's published Application, paragraph 0017 discloses "Prefereably, the D-RNC information request message can not request the WTRU 24<sub>2</sub> to make and send measurements, but the D-RNC 38 requests such measurement information currently available at the S-RNC 40." It shows that D-RNC needs measurement information for allocating resource when the WTRU does not establish connection with D-RNC yet.

Lieshout et al. teach situations where a UE locates in either SRNC or DRNC (Figs. 2-3). The DRNC by itself is able to allocate resources based on available parameters (paragraphs 0035 and 0042). Yet, Lieshout et al. disclose that the DRNC acquires resource regulation from SRNC instead of measurements (paragraph 0042). Fauconnier et al. disclose an intermediate situation (Fig. 6) where a UE sends its measurements on DRNC to SRNC before connection establishment with DRNC, so that the SRNC can provide DRNC information (Fig. 6, paragraphs 0078, 0096). Thus, it would have been obvious to one of ordinary skill in the art to recognize that the DRNC by itself can also allocate resources before channel establishing with a drifting UE, where required parameters such as UE measurements can be obtained from SRNC.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Fauconnier et al. (US2002/0025820), and Terry et al. (US2003/0016641).

Regarding claim 36, Lieshout et al. teach a method for use in a wideband code division multiple access communication system having a serving radio network controller (SRNC) and a drift radio network controller (DRNC), the method comprising:

Note: It is known that a RNC can be as either a SRNC or a DRNC, which depends on the perspective of a user equipment (UE).

requesting by one of the DRNC (28 of Fig. 3) and the SRNC (26 of Fig. 3) common measurements using a global procedures module of a radio network sublayer application part (RNSAP) procedures over a radio network controller interface (IUR) for an other of the DRNC and the SRNC (paragraph 0042), the common measurements including received total wideband power and load (Figs. 2-4, paragraphs 0014-0016);

in response to receiving requests for the common measurements using the global procedures module of the RNSAP procedures from the IUR by the other of the DRNC and the SRNC, sending a response message using the global procedures module of the RNSAP procedures over the IUR (paragraphs 0014-0016);

SRNC taking measurements in received signal strength, SIR, etc. for determining transmit power (paragraphs 0038-0040), and taking measurements in power strength and interference (paragraphs 14, 40); and

the SRNC in response to receiving the request for user measurements, sending the user measurement to the DRNC using RNSAP procedures over the IUR (paragraphs 0014-0016).

But, Lieshout et al. do not expressly disclose common measurements including global positioning system (GPS) timing information; and the DRNC requesting user measurements from the SRNC using the RNSAP procedures over the IUR, the user measurements including received signal code power (RSCP) and interference signal code power (ISCP) Fauconnier et al. teach common measurements including global positioning system (GPS) timing information (paragraph 0109); and a SRNC sending UE measurements on a DRNC to the DRNC (Fig. 6, paragraph 0078), which would have been obvious to one of ordinary skill in the art to recognize that a DRNC is able to allocate resources based on measurements sent from a SRNC before establishing connection with a drifting UE.

Ranta teaches taking measurement of a downlink common control physical channel (CCPCH) received signal code power (RSCP) in relation to power control (paragraph 0059).

Terry et al. teach taking measurements in received signal code power (RSCP) and interference signal code power (ISCP) (paragraph 0008).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate RSCP and ISCP taught by Terry et al. and GPS timing info with modifying sending measurements from SRNC to DRNC taught by Fauconnier et al. into the measurements method of Leishout et al., in order to use for connection resource allocation in DRNC.

Regarding claim 25, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in

response to claim 36 above, where a logic device configured to control a measurement request device is inherent in radio network controller.

Regarding claim 29, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) serving radio network controller (SRNC) as explained in response to claim 36 above, where a measurement response device is inherent in radio network controller.

Regarding claim 32, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) radio network controller (RNC) configured to operate as a serving radio network controller (SRNC) and a drift radio network controller (DRNC) as explained in response to claim 36 above, where a logic device configured to control a measurement request device is inherent in radio network controller.

Regarding claim 38, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 above, where a radio resource management device configured to use the RSCP and ISCP user measurements to control resources of cells associated with the user measurements is inherent in radio network controller.

Regarding claims 26, 30, 33 and 37, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25, 29, 32 and 36.

Terry et al. teach the RSCP is the RSCP of a common control channel (paragraph 0008).

Regarding claims 27 and 34, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Leishout et al. teach the measurement request device is configured to receive responses the requests for common measurements and user measurements (paragraph 0014).

Regarding claims 28 and 35, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Terry et al. teach a measurement collection device (CQ storage device in base station) for storing the received responses (paragraph 0021)

Regarding claim 31, Leishout et al., Fauconnier et al., and Terry et al. teach the limitation of claim 29.

Leishout et al. teach the measurement response device is configured to retrieve the user measurements from a measurement collection device (paragraphs 0035, 0043-0044).

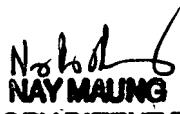
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu  
April 12, 2007

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER